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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 27 October 1996 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit herewith the statement made by His Excellency U Ohn Gyaw, Minister for Foreign Affairs of the Union of Myanmar, concerning developments in Myanmar at the Chairman's Council of the United Nations Association of the United States of America on 1 October 1996 in New York (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly under agenda item 110 (c).

(Signed) Win MRA
Ambassador
Permanent Representative

ANNEX

Statement by the Minister for Foreign Affairs of Myanmar concerning developments in Myanmar at the Chairman's Council of the United Nations Association of the United States of America on 1 October 1996 in New York

I am very happy to have this opportunity to address the Council of the United Nations Association of the United States of America.

I believe that most of you are quite aware of the developments in Myanmar. So what I would like to do today is not so much to dwell on the past, but to give you a brief overview of the objectives, priorities and direction of our Government. I hope that the present presentation will in some ways contribute towards a better understanding of the situation in my country as well as its policy orientations.

When the State Law and Order Restoration Council assumed responsibility in 1988, it declared unequivocally that it intended to establish a multi-party democratic society in the country. At the very outset, let me reiterate that our Government will fulfil this commitment without fail. Since we are building democracy in Myanmar, the democratic society that we envisage is one that corresponds to the historical experiences and the prevailing conditions of our country.

Just as revolution cannot be exported, neither can democracy. No country or group of countries should try to remake the world in their own image or according to their own values, for the situation of individual countries is never the same and no nation can claim monopoly over values. There is no single model of democratic society that is applicable to all countries, and therefore the democracy that we aspire to must be in accordance with the wishes and desires of all the 48 million people of Myanmar.

Perceptions in a society are shaped by its past experiences, national ethos and current situation. As such, the democratic society must reflect the historical traditions and objective conditions of our nation. No comprehension of Myanmar will be complete without understanding certain characteristics which distinguish her from the others. One such feature is the struggle for independence and the role of the Tatmadaw (Armed Forces) in the Myanmar society. Independence in Myanmar was regained only after great sacrifices in lives and property by the Myanmar people. Having encountered the bitter experiences of over a hundred years of colonial past, we greatly cherish our independence and are determined never to be subjected again to the domination by foreigners. We will never let outsiders dictate our destiny and shape our future. Neither will we accept interference in our internal affairs.

Another factor is that Myanmar is a Union made up of over 100 different national races residing in Myanmar. Unity among the different national races is essential for the preservation of our independence and sovereignty as well as for the economic and social progress of our country.

The third characteristic is that since the regaining of independence in 1948, Myanmar has to face internal strife by various armed groups. Because of this, the country has suffered greatly and has lagged behind in economic development when compared with other nations of the region.

In the light of these conditions, it is only natural that the State Law and Order Restoration Council would place the utmost importance on the preservation of independence and the strengthening of unity and national solidarity among all the national races of Myanmar. In other words, since the time it took responsibilities of the state, the State Law and Order Restoration Council has been giving priority to the achievement of national reconciliation. Beginning from 1989, in other words, less than one year after it assumed responsibility, the Government made overtures to the armed groups to return to the legal fold. Since April 1992, the Armed Forces has suspended military offensives against the armed groups in the interest of national reconciliation. Internal strife for over four decades has not brought benefit to anyone. It has only caused death and destruction and untold suffering for the people. No one appreciates peace more than a soldier. It is therefore most gratifying that a total of 15 groups have returned to the legal fold, and are working together with the Government for the development of their regions. These groups are also being provided with the opportunity to participate in the national political process, namely the National Convention, to shape the country's future. To the remaining groups that still have yet to return to the legal fold, allow me to reiterate our Government's call to them not to miss this golden opportunity but to join hands with us in building a peaceful, democratic and modern Union. Guns have fallen silent in the country as never before in the history of modern Myanmar and these groups should look at the greater interest of the country and work for the benefit of all the national races as they have been saying for so long.

In our search for national unity, we are fully aware that because of the influence of the Burma Communist Party the remote border areas were lagging behind the other parts of the country in development. It is therefore one of the prior objectives of the present Government to strive for the development of the border areas where many of the national races reside. It firmly believes that there can be no all-round development of the whole country without narrowing and abolishing the gap and differences between the rural and urban areas, between the border areas and the rest of the country. We have therefore devoted special attention to the uplifting of the socio-economic well-being of these areas. The Government, in its efforts for the development of these regions, has brought about improvements to the infrastructure by building and repairing roads and bridges, hospitals and dispensaries. The Central Committee and the Work Committee for the Development of Border Areas and National Races were established as early as May 1989 to undertake the necessary measures for the development of these regions and to coordinate actions with the relevant ministries and departments. For effective implementation of the development projects, the Government established a separate Ministry for the Development of Border Areas and National Races in September 1992. This Ministry was reorganized into the Ministry for Progress of the Border Areas and National Races and Development Affairs in January 1994, in order to enable it to carry out the development measures envisaged not only for the present but also for the future.

To this end, under the guidance of the Chairman of the State Law and Order Restoration Council, a master plan covering a period of 11 years, from 1993/94 to 2003/04 in three phases, has been drawn up to provide a basic guideline in implementation. The main aim of the master plan is to achieve poverty alleviation while at the same time accomplishing eradication of poppy cultivation. It has four objectives, an aim to develop the economic and social works, roads and communications of the national races in the border areas; to preserve the culture, literature and customs of the national races; to bring about total eradication of poppy cultivation by means of establishing alternative economic enterprises; and to preserve and maintain the security, prevalence of law and order and regional peace and tranquillity in the border areas. The master plan has a duration of 11 years starting from the 1993/94 fiscal year up to the 2003/04 fiscal year. Drawn up in accordance with the national development plans, the Master Plan for border areas development starts with a short-term three-year plan from 1993/94 to 1995/96; and follows this up with the first medium-term four-year plan from 1996/97 to 1999/00, and the second medium-term plan from 2000/01 to 2003/04. During the period of implementation of the master plan, development works will be carried out in 18 regions in the north and north-west of the country. These regions constitute 33.2 per cent of the total area of the country where 17.5 per cent of Myanmar's total population is living. With the increasing momentum of the development projects and programmes, the living standards of the peoples in these areas will be greatly improved. A notable fact is that in elevating the socio-economic conditions of the border areas where poppy cultivation used to be the main source of income, the development works will also contribute towards the international efforts in combating the drug menace.

Now let me turn to Myanmar's national endeavours and those in cooperating with its neighbours at the subregional and regional levels, and its participation at the international level in the worldwide effort for the suppression and eradication of narcotic drugs.

Myanmar has always treated anti-narcotics measures as a national responsibility. At the national level, the Government has adopted comprehensive plans for the effective implementation of drug suppression measures. A new law against drugs and psychotropic substances was enacted in 1993, encompassing effective measures against the widening scope of the drug menace.

In our national strategies against drugs, a new approach was launched in 1988, the key concept of which was to alleviate the poverty of the peoples in the border areas by providing them with a means of alternative income, while at the same time working to raise their awareness of the magnitude of human misery resulting from drugs. This approach is being carried out as one of the main objectives of the master plan for the development of the border areas and national races, which I have mentioned earlier. It is evident that the most effective approach towards eradication of poppy cultivation would be to implement a comprehensive programme for the social and economic development of the national races in the border areas. We have now established a mechanism coordinating action against illegal drugs in all its aspects.

We have also been coordinating our national efforts with those of our neighbours to ensure a maximum impact in drug eradication in the region. The

Myanmar Government has signed agreements with China and the United Nations Drug Control Programme (UNDCP) as well as with Thailand and UNDCP. Bilateral narcotics suppression agreements have been signed with the Lao People's Democratic Republic and India, and we aim to work out a similar agreement with Bangladesh. In October 1993, at New York, Myanmar, China, the Lao People's Democratic Republic, Thailand and UNDCP signed a memorandum of understanding that would further harmonize collective activities aimed at reducing drug trafficking and production, eliminating poppy cultivation, and reducing drug demand and consumption. There have been two ministerial conferences at the subregional level at which Myanmar has contributed active participation.

Myanmar is a State party to the Single Convention on Narcotic Drugs of 1961, and to the United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances of 1988. We are also carrying out a series of measures in the implementation of the recommendations contained in the Global Programme of Action adopted by the General Assembly at it seventeenth special session, in February 1990.

Let me reiterate that the Government of Myanmar is very much aware of the danger of drugs, and views the sustained efforts against this scourge as a national responsibility. In implementing this national responsibility, we in Myanmar are ready and willing to cooperate fully with all our neighbours and the international community in the fight against narcotic drugs. As to those who are expressing doubt about our commitment to the eradication of narcotics, let me ask: Which country in the world has sacrificed the lives of over 190 soldiers with 350 wounded for combating against a drug lord in a matter of four weeks? Owing to the sustained efforts, the Mong Tai Army (MTA) of U Khun Sa unconditionally surrendered in January 1996.

At this juncture, let me turn to another facet of the Government's political objective: the drafting of a firm and enduring constitution. It is the wish of the people as well as the majority of the political parties to have a new constitution that will reflect the aspirations of all the national races as well as the changed political and economic conditions in the country. Towards this end, a National Convention has been meeting since the beginning of 1993 to draft a new constitution. Consensus had already been reached on the 15 chapter headings, on the 104 fundamental principles of the State as well as the chapters on the State, the State structure and the head of State. As to those who are saying that the process is moving too slowly, let me ask: Isn't the world today full of examples where too much haste has led to chaos and confusion, even to armed conflict and disintegration of nations? At the same time, let me assure you that the State Law and Order Restoration Council has no intention of drawing out the process to cause delays. However, a balance must be struck between the need to reach consensus among the nearly 700 delegates on very urgent and vital issues like the national races and the desire for the completion of the process in appropriate time. At the same time, I wish to indicate to some observers, particularly our friends, that in our society reaching consensus among us is more important than debating who is right or wrong, or who won the debate. We would like the constitution to reflect as much as possible the wishes of the national races while at the same time we would be most happy if consensus on the remaining chapters could be reached as soon as possible.

As I have mentioned before, the society that would emerge from this constitution will be a multi-party democratic society. After the National Convention has completed its task and the constitution has been promulgated, a constitutional Government will materialize to lead the country. The Tatmadaw has no intention of holding on to the reins of power for a prolonged period. It considers itself as an interim administration that is laying down the necessary political and economic foundation for the establishment of multi-party democracy. What the Government has done and is doing at the moment is to ensure peace, stability, law and order, while striving for economic development of the entire nation so that the transition to democracy will be smooth and tranquil.

Here, I would like to clear up one misconception in some foreign media. According to the consensus reached at the National Convention, Myanmar will have a presidential type of government. Regarding the qualifications necessary for the President, it is mentioned that the person must be one who is acquainted with political, economic, military and administrative affairs. There have been some allegations that one of the qualifications is that the person must have military experience and therefore only people from the military could become President. I wish to state categorically that this assumption is wrong. As stated clearly, the President will be the head of the executive branch of the State and must be someone who has knowledge of all the factors of statecraft, including defence and security of the State. It will surely be a great handicap and disadvantage if the leader of our country cannot perform effectively in matters relating to the defence and security of the nation. It is not personal experience but knowledge and perspective that we are talking about here.

Political stability goes hand in hand with economic development. Economic growth can only be achieved in times of political stability. Likewise, economic development can promote political stability. In Myanmar today, peace and political stability reign throughout the nation. With the introduction of market-oriented economic polices, the full incentives of the entire people has been brought into play. Anyone who has been to Myanmar recently will no doubt realize that the country's economy is very vibrant and dynamic. The private sector is developing fast and is already the major factor in trade, particularly export/import business, in production as well as in the service sectors. With the promulgation of foreign investment law, foreign companies, either wholly owned or in joint ventures with their Myanmar counterparts, are also playing their part in economic development for mutual benefit. Foreign investments up to August 1996 amounted to more than US$ 4.3 billion. Some 204 foreign investment enterprises are involved in agriculture, fisheries, mining, manufacturing, oil and gas, transport, hotels and tourism. The largest investment is in the field of oil and gas, with $1,437.9 million, followed by real estate with $840 million. This rapid increase in foreign investment underlines the growing confidence in Myanmar's economy and the investment climate.

Commencing from the time when Myanmar designated 1992/93 as economic year, the Government has devoted special attention to economic development. The economy grew by 10.9 per cent during that year, followed by a 6 per cent growth in the next financial year. We realized a growth of about 6 per cent also in the current 1994/95 and 1995/96 financial years.

For achieving accelerated development of economic and social conditions of the country, the State Law and Order Restoration Council has formulated and is implementing a short-term plan from 1992/93. The main thrusts of the plan are to step up production and exports and to speed up the development of the economy as a whole. Priority has been given to the development of productive sectors such as agriculture, livestock and fishery, processing and manufacturing, and mining. Moreover, efforts are being made to export not only traditional items but also new commodities and to enhance foreign exchange earnings from services.

Myanmar's economy at the moment is based primarily on agriculture and Myanmar will remain an agricultural country for some time. Therefore the Government has placed special emphasis on the development of the agricultural sector. Since it believes that availability of adequate water is essential for agricultural development, it has constructed or is in the process of constructing a number of dams, reservoirs and weirs throughout the nation. Mixed cropping and multiple cropping are being introduced, while mechanization of agriculture is also taking place. As a result, agricultural production has increased significantly. To give one example, the production of paddy in fiscal year 1993/94 was 835.7 million baskets, an increase of 124.6 million over the previous year. The production of other industrial crops and cereals like beans and pulses have also surged significantly and are not only meeting domestic requirements but are also finding increasing markets abroad.

With the participation of foreign companies, Myanmar's potential in the energy sector is gradually being realized. Onshore as well as offshore production of oil and gas have increased substantially and some of the wells are moving from the exploration stage to the production stage. In 1993/94, crude oil output was 7.3 million barrels, achieving an increase of nearly 2 million barrels over the previous year. Offshore gas prospects exceeded 10 million cubic feet and agreements have been signed for export to the Kingdom of Thailand on an extensive scale. At the same time, while we are aware of the benefits of developing our oil and gas field, we have not forgotten the needs for environmental concerns. As the foreign investors have come to realize, our Foreign Investment Commission is very particular about the environmental impact of any undertaking. Environmental considerations are properly integrated into development planning.

This is particularly true with regard to our forestry resources. Nearly 51 per cent of the total land area of Myanmar is covered by forest. It is therefore rich in forest resources with over 8,500 different species of flora and fauna. Myanmar's teak and other hardwoods are world renowned. Our reserved forest area covers more than 100,000 square kilometres. Although we possess a great potential in forestry sector, it is the policy of our Government to take systematic steps to ensure the sustainable management and conservation of forests. Since the end of 1993, the Government has also stopped border logging concessions and the focus of our attention is to concentrate on the export of finished and semi-finished wood products rather than exporting logs. One of the problems of deforestation in Myanmar is fuel-wood problem. In this regard, more than 20 million fast-growing trees were planted in 1992 and 1993 to fulfil this requirement. At the same time, the Government is implementing projects for the greening of nine arid districts in the central part through building of dams and reservoirs and reforestation. The successful completion of the projects will

have a great impact on the topography of the region as well as the livelihood of its inhabitants.

One of the most promising sectors of Myanmar's economy is the tourism sector. The Government has designated 1996 as 'Visit Myanmar Year' in order to promote tourism. With the promulgation of the Myanmar Hotels and Tourism Law, entrepreneurs both local and foreign are being provided with the opportunity and incentives to engage in hotel and tourism business. The fact that foreign investment in this sector alone amounted to nearly $706.2 million bears testimony to the trust and confidence in the growth of this very dynamic sector. Tourist visas can now be obtained within 24 hours from our embassies abroad. Moreover, apart from Yangon, nine border checkpoints have been opened at borders with China and Thailand so that people can visit these areas without having to journey to Yangon. The potential of Myanmar in this field is tremendous and we are confident that Myanmar will become a tourist centre in the region in the near future.

The economy of Myanmar is gaining momentum with each passing year and we are confident that Myanmar will be able to play its part in the development of the region. We on our part are willing to do our share in cooperation with the countries of the area for mutual benefit. With its new political and economic systems, the impetus for greater interaction between Myanmar and these nations will surely continue to grow. Myanmar, with its independent and active foreign policy, desires to maintain friendly relations with all the countries in the world and on our part, we will not do anything that will be detrimental to the development of cordial ties with countries of the world.

It is regrettable that countries that have been providing economic and technical assistance and cooperation in the past have suspended them because of misconception. It is all the more regrettable that some countries are endeavouring to prevent others from renewing their assistance. Such assistance would facilitate our full integration into the market economy and thus would accelerate the development of the region as a whole. However, we have full confidence in the correctness of our policies, in our people and in our economic resources and strength and are certain that our development endeavours will achieve success, with or without outside help. At the same time, it is an undeniable fact that commercial concerns from these very countries are our active partners and that foreign investment from these countries totalled nearly $500 million.

Although Myanmar identified itself with the South-East Asian region, it is in some ways a bridge between South and South-East Asia. Moreover, it has borders with the two most populous nations in the world, China and India. Myanmar is therefore also cognizant of its strategic geo-political position and is willing to contribute its share in maintaining peace and stability in the region. It has never allowed the setting up of foreign military bases and will not do so in the future as well. Whenever such issues arise, as they usually do between neighbouring countries, we have always sought a peaceful solution based on mutual feelings of goodwill, respect and understanding. A case in point is the matter of the transborder movement of people between Myanmar and Bangladesh. Although some nations tried to have the situation blown out of proportion by invoking potential regional destabilization, the two countries were able to

resolve the situation in the spirit of mutual friendship and understanding. Today, Myanmar and Bangladesh, together with the participation of the Office of the United Nations High Commissioner for Refugees (UNHCR), is successfully resolving the issue peacefully.

If I may recall briefly, Myanmar was invited to become a founding member of the Association of South-East Asian Nations (ASEAN) in the late 1960s. However, owing to the prevailing circumstances of that time, we were not in a position to develop closer ties with ASEAN as an organization although we enjoy close and cordial relations with all its members. Now that Myanmar has transformed the centrally planned economy to a market-oriented economy, and is building a multi-party democratic society, we can look forward to dynamic cooperation with the Association. After attending two successive ministerial meetings in Bangkok in 1994 and in Brunei in 1995 as guest of the Government, Myanmar became an observer nation in ASEAN in July 1996. In August, an application was filed to become a full member of ASEAN with its Standing Committee Chairman, Malaysia.

Some countries are using democracy and human rights to put pressure on us. As I have already stated, we are committed to building a democratic society. However, it must be remembered that this is a transition period and we cannot permit excesses of freedom that could derail us from our chosen path. At the same time, the democratic society to which we aspire is one based on universal values of justice, liberty and equality. The concept of justice that we envisage is not only justice in its legal sense but also social justice, economic justice and political justice. Liberty will include freedom of thought, freedom of expression, freedom of belief, freedom of worship, freedom to seek a livelihood and freedom of organization. Equality as we perceive it also means equality of status, equality of opportunity and equality before the law. As Rome cannot be built in a day, democratic practices, perceptions and thinking cannot also be established in a moment. Too hasty a process will only lead to chaos and instability. The State Law and Order Restoration Council is just laying the foundation so that all the people will be able to enjoy these rights in peace and tranquillity when the democratic society emerges.

As for human rights, we are committed to principles contained in the Charter of the United Nations and the Universal Declaration of Human Rights. As confirmed by the Bangkok Declaration, the principles of national sovereignty, territorial integrity and non-interference in internal affairs should be respected by all nations and attempts to use human rights to encroach on the essentially domestic jurisdiction of States should be avoided. By this, we do not mean that human rights can be systematically violated behind the barrier of non-interference. But what we wish to see is a consensus on accepted norms of human rights and their promotion through cooperation and consensus building and not through imposition of incompatible values. We are against double standards and selectivity in their applications. Our concept of human rights is based on our values, traditions and culture. In placing emphasis on individual rights above everything as expounded by some people, are we to permit promiscuity, to break down family values, to ignore respect for elders, to replace consensus building attitude with competition and confrontation? On the other hand, too often the right to develop is sidelined in the efforts to place individual rights in the forefront. Too often, the rights to decent food, clothing and

shelter, to decent quality of life and to live peacefully and in security are neglected in the clamour for individual rights.

The Government of Myanmar does not condone human rights abuses. It is totally against human rights abuses. We have cooperated fully with the United Nations and have faithfully responded to all its inquiries regarding human rights questions. We have even permitted United States congressmen and congressional aides as well as United Nations personnel to visit Insein Jail and interview some of the inmates. We have taken diplomats, visiting dignitaries and journalists to the areas of alleged human rights abuses. Although some of the countries that have been making allegations about human rights abuses have, they themselves, executed criminals, there has been no execution at all in prisons in Myanmar although there were many instances where people had been sentenced to death for their crimes. Indeed, on 9 January 1993, in commemoration of the commencement of the National Convention, all death sentences were changed to life imprisonment and all other jail sentences were reduced. In accordance with its accession to the four 1949 Geneva Conventions, the Tatmadaw has conducted necessary classes in conjunction with the International Committee of the Red Cross regarding the various principles contained in the Conventions. In Myanmar, human rights have been observed as a matter of custom and tradition. Furthermore, there are 68 internal laws and acts for protection of human rights. Torture, ill-treatment of prisoners and degrading punishment are strictly prohibited.

Why then all the clamour about human rights? Fed with misinformation from unscrupulous sources and armed groups that are in opposition to the Government, blinded by prejudice and preconceived notions and motivated by ulterior political reasons, some countries regrettably continue to make unfounded accusations. We are convinced that these misconceptions will vanish as more people come to realize the true situation.

I hope I have projected the true situation as it is in Myanmar in this brief presentation.

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HUMAN RIGHTS QUESTIONS: HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES

Letter dated 27 October 1996 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith a memorandum in connection with General Assembly resolution 50/194 of 22 December 1995, entitled "Situation of human rights in Myanmar" (see annex).

I should be grateful if the present letter and its annex could be circulated as a document of the General Assembly under agenda item 110 (c).

(Signed) Win MRA
Ambassador
Permanent Representative

ANNEX

Memorandum concerning the situation of human rights in Myanmar

Introduction

1. At its fiftieth session, the General Assembly adopted resolution 50/194 of 22 December 1995 entitled "Situation of human rights in Myanmar". When that resolution was considered, the Myanmar representative rejected all the negative elements in the draft and stated categorically that there existed no grounds for the continued consideration of the situation of human rights in Myanmar in view of the positively evolving situation in the country. The present memorandum aims to provide further information on the developments that have taken place in Myanmar.

Return of armed groups to the legal fold

2. For Myanmar, a country that had been plagued with the problem of insurgency since it regained independence, the return to the legal fold of the 15 armed groups is an unprecedented achievement in national reconsolidation, and consequently peace and stability have prevailed throughout the length and breadth of the country. Since independence in 1948, Myanmar has never experienced such peace and stability in its modern history. The resultant peace dividend is evident and has greatly contributed to the building of the nation. Despite the return to the legal fold of 15 out of 16 armed groups, the Government does not remain complacent and is continuing discussions with one remaining armed group, the Karen National Union (KNU), for its eventual return to the legal fold.

Detention

3. Building a peaceful, prosperous, modern and developed State is the national goal of Myanmar. Stability of the State, community peace and tranquillity and prevalence of law and order are vital in the process of nation-building. These essential conditions have been restored in Myanmar over the last few years through the sustained efforts of the Government of the Union of Myanmar with the cooperation of the people. Disruption of peace and stability can under no circumstance be permitted. It is imperative for the Government to act in accordance with existing laws whenever situations arise with potential for disturbing of peace and stability.

4. The Government has been unfairly criticized recently in its efforts to maintain law and order. These criticisms are grossly misleading. The Government has, in fact, never arrested or detained anyone arbitrarily. Action is taken against only those who transgress the existing laws.

5. Although the Government of Myanmar is committed to the building of a peaceful, modern and developed State, Myanmar is not yet a fully functioning democracy. Despite that, to demonstrate its tolerance, the Government allowed

the talks held by the National League for Democracy (NLD) on weekends. However, the talks became unruly and inflammatory. As a result, in early June 1996, the authorities concerned intimated to NLD that the talks would have to be discontinued. The talks, nevertheless, continued and became more inflammatory, even slandering the Government and the Tatmadaw (the Armed Forces). Moreover, the audience was blatantly incited to defy the Government regardless of the consequences. These defiant acts of NLD were tantamount to undermining the peace and stability of the State. Consequently, on 7 June 1996, the Government was constrained to proclaim Law No. 5/96, which stipulates, among other things, that whoever violates either directly or indirectly any of the following prohibitions shall be, when convicted, punished with imprisonment for a term of a minimum of 5 years to a maximum of 20 years and may also be liable to fine:

(a) Inciting, demonstrating, delivering speeches, making oral or written statements and disseminating in order to undermine the stability of the State, community peace and tranquillity and prevalence of law and order;

(b) Inciting, delivering speeches, making oral or written statements and disseminating in order to undermine national reconsolidation;

(c) Disturbing, destroying, obstructing, inciting, delivering speeches, making oral or written statements and disseminating in order to undermine, belittle and make people misunderstand the functions being carried out by the National Convention for the emergence of a firm enduring Constitution;

(d) Carrying out the functions of the National Convention or drafting and disseminating the Constitution of the State without lawful authorization;

(e) Attempting and abetting the violation of any of the above prohibitions.

6. Ignoring the existing law, NLD made plans to hold an "All Burma Party Congress" from 27 to 29 September. Though required by the existing administrative directives to seek prior permission for holding such a gathering from the authorities concerned, NLD, in disregard of the directives, continued with the plans.

7. Since May 1996, NLD has made moves with the objective of inciting riots and upheavals in the country. Its attempt in May to hold the NLD meeting with a view to drawing a parallel constitution, its repeated contacts with some embassies in Yangon and timing of the "All Burma Party Congress" to coincide with the fifty-first session of the General Assembly and the consideration of Cohen's amendment on Myanmar by the United States Congress clearly confirm the existence of a well-synchronized political movement to bring pressure on the Government of Myanmar both domestically and internationally.

8. To prevent the situation from relapsing to the anarchic conditions of 1988, the Government was compelled to ban the "All Burma Party Congress". In connection with the holding of the congress in question, some individuals were called in for a brief questioning. They have all been sent home.

Myanmar's integration into the Association of South-East Asian Nations

9. In international relations, Myanmar consistently upholds the five principles of peaceful coexistence. As a result of this policy, Myanmar has never in its modern history had disputes with its neighbours that were serious enough to upset the regional peace and security, and its relations with all neighbouring countries have always been close and cordial. The establishment of closer association with the region through friendly relations and mutually beneficial cooperation is the main component of Myanmar's foreign relations. Towards that end, steps have been taken systematically for eventual integration into the Association of South-East Asian Nations (ASEAN) and for closer association with the region.

10. Myanmar deposited the instrument of accession to the Treaty of Amity and Cooperation in South-East Asia at the twenty-eighth ASEAN Ministerial Meeting held in 1995. At that meeting, Myanmar also intimated its desire to become an observer. In December 1995, the Chairman of the State Law and Order Restoration Council and Prime Minister of the Union of Myanmar attended the meeting of the Heads of Government of the 10 South-East Asian countries held in Bangkok. At the twenty-ninth ASEAN Ministerial Meeting held at Jakarta from 20 to 24 July 1996, Myanmar was officially welcomed as an observer. In August 1996, Myanmar filed an application to become a full member of ASEAN with the ASEAN Standing Committee.

11. For closer association with the countries in the region, Myanmar has forged deeper understanding between the leadership of Myanmar and that of the region through bilateral visits. The Chairman of the State Law and Order Restoration Council visited the Lao People's Democratic Republic in June of 1994; Viet Nam in March 1995; Indonesia and Singapore in June 1995; China in January 1996; and Malaysia in August 1996. In October 1996 he visited Cambodia. In between these visits, he attended the tenth meeting of South-East Asian Heads of Government, held at Bangkok in December 1995. All these visits are eloquent testimony of the mutual understanding between the leadership of Myanmar and that of the region. With steps being taken for eventual integration into ASEAN as a full member, Myanmar's closer association with the region is a significant factor for the preservation and enhancement of regional peace and security.

Combating the drug menace

12. Myanmar's combat against the drug menace is based on a well-conceived national strategy. Remarkable progress has been made in the fight against the drug menace under this strategy.

13. In this context, Myanmar achieved a significant breakthrough when, earlier this year, U Khun Sa and his Mong Tai Army (MTA) renounced drug-trafficking and surrendered unconditionally, bringing with them a vast arsenal of assorted weapons. The returnees numbered in the tens of thousands. The renunciation of the drug trade by U Khun Sa and his army reflects their complete trust and confidence in the policy of the Government. Furthermore, given the track record

of MTA in drug-trafficking, this development constitutes a great stride forward in combating the drug menace at both the regional and international levels.

14. Myanmar is committed to the complete eradication of narcotic drugs.

National convention

15. Myanmar had two State constitutions - one promulgated in 1947 and the other in 1974. Drafted under pressure of the prevailing circumstances and not free from the influence of the British colonialists, the 1947 Constitution had weaknesses and flaws that led 10 years later to near disintegration of the country. Drafted to establish the centrally planned economy under the single-party system, the 1974 Constitution lost its relevance in the wake of drastic changes that are being effected politically and economically in the Union of Myanmar. Under the circumstances, the emergence of a new enduring Constitution that could guide the new political and economic system is imperative.

16. The National Convention, whose principal duty is to lay down basic principles for a new State Constitution, has made considerable headway. It has approved 15 chapter headings of the Constitution and laid down 104 fundamental principles that will constitute the basis of the State Constitution. It has also adopted detailed principles to be used under the chapter headings of the State, the State structure and the head of State and the detailed principles on self-administered areas for the chapter on the State structure. At its last session, the National Convention approved detailed basic principles on the formation of the three chapters, namely the legislative, the executive and the judiciary. At present, preparations are under way to resume the National Convention in November. When resumed, the National Convention will consider the matter of power sharing between the Central and States/Divisions Assemblies.

17. The National Convention is the only disciplined forum where dialogue is going on among the nationalities to achieve consensus on the detailed principles of the new State Constitution. And the success of the National Convention is the national priority.

Developments after lifting of restrictions on Daw Aung San Suu Kyi

18. On 10 July 1995, the Government of Myanmar lifted the restrictions placed on Daw Aung San Suu Kyi in accordance with the law under which action was taken against her. Since then, two major developments relating to NLD took place in Myanmar. First, NLD decided to withdraw from the National Convention when it was reconvened in November 1995. The National Convention is the only constitutional process being undertaken in accordance with the post-election plan of action set out in Declaration 1/90 issued by the Government on 27 July 1990. This is the plan understood and accepted by all political parties, including NLD. NLD had been actively participating in the National Convention. However, after the lifting of restrictions on Daw Aung San Suu Kyi, NLD decided to withdraw from the National Convention.

19. In May 1996, NLD took another sinister step by attempting to hold a public rally from 26 to 29 May. Over the past few years, the Government has through detailed programmes restored the peaceful and stable situation in the entire country while forging national reconsolidation on the one hand and striving for the emergence of a new enduring State constitution on the other. Under these circumstances, the attempts of NLD to initiate a parallel political process constitute a threat to the peace and stability of the country and its consequences are predictable.

20. Related to the above-mentioned moves of NLD are the subversive activities of NLD expatriate groups and other anti-government groups under the tutelage and involvement of aliens and mercenaries. A brief account of the background of these activities is in order here. Beginning in January 1993, two citizens of the United States of America, Robert Helvey and Gene Sharp, gave political defiance courses to members of the anti-government National Coalition Government of the Union of Burma (NCGUB), the All Burma Students' Democratic Front (ABSDF), NLD expatriate groups and KNU. In early 1994 and in 1995, similar courses were given by two other United States citizens. Around May 1996, after the fall of KNU headquarters at Manerplaw, Robert Helvey, together with two other United States citizens, Bruce Jerkin and Michael Mitchell, went to a KNU-held territory, Hti Ka Ba Lei, and reorganized the remnants of ABSDF and other anti-government groups. They are reported to have conducted political defiance courses for the members of the Committee on the Restoration of Democracy in Burma (CRDB), ABSDF and NCGUB and NLD expatriate groups at the KNU Sa Khan Thit camp. Michael Mitchell visited Yangon in April 1996, after which he met KNU leader Bo Mya in an apparent bid to coordinate and synchronize the moves of NLD. He again went back to Yangon and met with Daw Aung San Suu Kyi in May 1996, the same month NLD moved to organize a public rally. He last went to Myanmar from 15 to 20 August, during which time he met with Daw Aung San Suu Kyi.

21. Robert Helvey had previously served as the defence and army attaché at the United States Embassy in Yangon, and Bruce Jerkin is an administrative officer of the Albert Einstein Institution of the United States. Mitchell is a member of the International Republican Institute. By engaging in subversive activities, these individuals attempted to meddle in the internal affairs of Myanmar, which constitutes an outright infringement of its sovereignty. On its part, NLD, with full knowledge of these unlawful activities of a highly serious nature, has maintained contacts with them both secretly and otherwise.

22. The Government of Myanmar has set itself a political agenda. In this context, the Government has restored the stability of the State, community peace and tranquillity. With the return of the 15 armed groups to the legal fold, the Government is now in the process of a national reconsolidation. For the emergence of a new enduring State constitution, substantive progress has been made with the adoption of principles for the important chapters of the envisaged Constitution, based on the broadest possible national consensus.

23. The National Convention process is the chosen political path of the country in which a great amount of time, energy and resources have been invested. NLD, which had had its opportunity like other political parties to be engaged in this process of broad-based national dialogue, withdrew unilaterally from the National Convention, blithely ignoring the interests of all the parties involved

in it and embarked on a disruptive course of action by organizing a public rally. The Government cannot accept any disruption of the ongoing political process and, having been fully aware of all the subversive activities going on clandestinely, was constrained to take preventive action against the sinister moves of NLD, which were apparently made in concert with the subversive elements, by bringing in the members of NLD temporarily for questioning.

Myanmar's cooperation with the United Nations

24. When the Permanent Representative of Myanmar to the United Nations explained Myanmar's position on General Assembly resolution 50/194 (draft resolution A/C.3/50/L.52) entitled "Situation of human rights in Myanmar" (see A/C.3/50/SR.54, paras. 6-9), he stated the consistent policy of the Myanmar Government to continue to cooperate with the United Nations to the fullest extent possible. In conformity with this policy, and to enable the Representative of the Secretary-General to continue discussions with the Myanmar Government, Foreign Minister U Ohn Gyaw met with Mr. Alvaro de Soto, the Representative of the Secretary-General, in New York on 4 April 1996. Again in June 1996, the Myanmar Foreign Minister engaged in a round of discussion with the Director of the East Asia and the Pacific Division, Department of Political Affairs of the United Nations Secretariat, Mr. Francesc Vendrell, at Bangkok. On 2 October 1996, Foreign Minister U Ohn Gyaw had another round of dialogue with the Representative of the Secretary-General in New York.

Death of Mr. James Leander Nichols, a Myanmar citizen

25. Following the death in Myanmar of Mr. James Leander Nichols on 22 June 1996, some Western countries requested initially from the Myanmar authorities information on the circumstances leading to the death of Mr. Nichols and, subsequently, the exhumation of the body of the deceased for an internationally renowned specialist to perform an autopsy.

26. Mr. Nichols, aged 64, was a holder of a Myanmar citizenship card. He had committed criminal offences in 1980. Consequently, he was found guilty by the district court concerned under section 11/24 (b) of 1947 Foreign Currency Exchange Act. He was, as a result, sentenced to two-and-a-half months' imprisonment in 1982. Accordingly, his appointment as the Honorary Consul General of some Western countries was revoked in 1983. Once again in 1996, it was found that Mr. Nichols had infringed section 61 of the Burma Wireless Telegraphy Act of 1933 and Amendment Law No. 13/93 of 22 November 1993. He was granted a fair trial. As the district court found him guilty under section 61 of the above-mentioned Act, he was sentenced to three years' imprisonment.

27. Mr. Nichols was well looked after and given full and proper treatment while in prison. During three months of detention, the prison physician conducted a thorough medical examination of Mr. Nichols and gave him necessary treatment eight times, i.e., on 12, 16 and 24 April, 2, 5, and 23 May and 7 and 22 June 1996.

28. Mr. Nichols regularly received medication from the attending physician while in prison. In addition, he received medicine and food parcels from his family and friends. Far from being maltreated, he was allowed to live in conditions of considerable comfort and decency in the prison.

29. It was known to all his inmate friends that Mr. Nichols had a long history of serious health problems. He had high blood pressure, a heart condition, glaucoma in the right eye, diabetes and back pain. On the morning of 22 June, Mr. Nichols, after having consumed dried pork and fried fish-paste provided by his family, was relaxing in his room when he collapsed suddenly and lost consciousness. The prison physician checked his pulse and found that his blood pressure was running at 200/100. He was immediately taken to the Yangon General Hospital and was given necessary medical treatment. However, he died of cardiac disease at 1300 hours local time on the afternoon of 22 June 1996. An autopsy carried out by the lecturers-pathologists at the Yangon General Hospital established that the cause of death of Mr. Nichols was cardiac disease. Therefore the Government of Myanmar considered that:

(a) There exists no legal ground or basis for outsiders to probe into the matter relating to the death of Mr. James Leander Nichols in Myanmar on 22 June 1996 as he was merely an ordinary citizen of Myanmar and died of natural cause;

(b) It has been long established in State practice beyond any reasonable doubt that the death of an ordinary citizen of a country owing to a natural cause is a matter falling entirely within the domestic jurisdiction of the country. Any attempt by outsiders to impose an investigation into the non-issue will run counter to the principles of State sovereignty and national jurisdiction.

30. Myanmar therefore rejects the request to send an internationally renowned forensic expert to Myanmar to investigate the matter. There exists no reason whatsoever to consider such a request.

Improved situation in Myanmar

31. The situation in Myanmar has improved tremendously from that in 1991 when the General Assembly, in its resolution 46/132 of 17 December 1991, expressed concern at "the grave human rights situation" in Myanmar, stressing the need for its improvement. The objective conditions in today's Myanmar have improved beyond recognition and that is unmistakable except for those too consumed with negativism and bias. Notwithstanding Myanmar's consistent cooperation with the United Nations and the genuine efforts on the part of Myanmar to improve the country's situation and to uplift the general well-being of the entire populace, the improved situation in the country has never been given primacy.

32. The improved situation in the country is reflected in what has been achieved in the economic field. For example, on 31 August 1996, foreign investment in the 10 sectors of the economy for 204 projects stood at US$ 4,300 million. The private sector has now taken a larger share of the nation's economy, representing 76 per cent of the gross domestic product while

the State sector provides 22 per cent of the gross domestic product. Privatization programmes for the State sector of the economy have also begun. And 75 per cent of all exports come from the private sector. As the market economic system takes shape, annual economic growth rate was 8.2 per cent on average over the past four years, and Myanmar is capable of sustaining these growth rates. As employment opportunities present themselves through the expanding economy, the average citizen is able to fulfil the basic needs of food, shelter and clothing, which are the most fundamental human rights, and is able to enjoy a relatively high quality of life.

33. Also reflecting the improved situation is the peace the entire country is enjoying as the decades-long insurgency is almost at an end. Even places previously designated as unsafe and therefore out of limits are now swarming with tourists. The fact that 1996 has now been designated "Visit Myanmar Year", opening up the country to tourists, is a clear indication of the improved situation in the country and eloquent rebuke of all manner of allegations against Myanmar.

Position of Myanmar

34. The Myanmar delegation has made known its position on the successive United Nations resolutions on the so-called "Human rights situation in Myanmar" since the beginning of its consideration. In so doing, the sanctity of strict adherence to Article 2, paragraph 7, of the Charter of the United Nations was always underscored.

35. Myanmar will view consideration of "The situation of human rights in Myanmar" at the fifty-first session of the General Assembly in the light of the above-mentioned position. Should there be an intrusive draft resolution, Myanmar will not only reject it, but it will also respond to it in a manner commensurate with its tone and tenor.